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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,370	02/19/2002	Howard T. Marano	2001P10727 US01	9274

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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,370	MARANO, HOWARD T.	
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/01/04 has been entered.
2. The following is a non-final office action in response to the request for continued examination received on 07/01/04. Claims 1, 8, and 15-18 have been amended. Claims 1-19 are pending in this Application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by SMS's

Integrated Clinical System (www.smed.com).

4. As per claim 1, SMS's Integrated Clinical System teaches a method for assigning an identifier to at least one of a plurality of displayable task schedules, comprising the activities of:
 - a. initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different

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entities, said particular task schedule being associated with a particular entity of said corresponding different entities (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a user interface allows a user to enter decision information that assigns an identifier to a task schedule associated with an entity);

b. receiving decision information entered via said at least one interface menu (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the system receives the decision information);

c. applying the received decision information (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the decision information is applied); and

d. assigning, based on the application of the received information, said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity in response to a predetermined event (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the task and its identifier are assigned to the schedule of a particular entity).

5. As per claim 2, SMS's Integrated Clinical System discloses a method wherein the step of initiating display of at least one interface menu includes initiating display of menu elements prompting a user to identify at least one of (a) the predetermined event triggering application of the decision information in assigning the task representative identifier to the task schedule, (b) a

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source of decision information, (c) decision information comprising a procedure for processing data associated with a task to determine a task schedule for listing the task representative identifier (See at least page 2, section 2, wherein a user identifies at least a trigger event through a Rule Builder Workstation).

6. As per claim 3, SMS's Integrated Clinical System discloses a method wherein the decision information comprises a logical procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the system has logical procedures for processing the data associated with a task, such as a specific triggering event occurring and the rules of the system access the appropriate data/persons or such as the prioritized to do list, the routed patient information, etc.).

7. As per claim 4, SMS's Integrated Clinical System teaches a method wherein the data associated with a task comprises at least one of (a) a medical procedure identifier for a scheduled procedure, (b) a time and date of performance of a medical procedure, (c) patient medical record information, (d) location of performance of a medical procedure, (e) patient type identifier, (f) patient physical characteristics (See at least page 2, section 1, page 3, sections 2-3, page 7, section 1, page 8, sections 1 and 2, page 11, sections 1-2, pages 12 and 13, page 17, section 2, page 18, wherein at least a time and date of performance of a medical procedure, patient medical record information, etc. is disclosed).

8. As per claim 5, SMS's Integrated Clinical System discloses a method wherein the entity comprises at least one of (a) a user, (b) a category of users, (c) one or more users currently

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designated to perform a healthcare worker role, and (d) a medical device or system (See at least page 2, section 1, page 3, sections 2-3, page 7, section 1, page 8, sections 1 and 2, page 11, sections 1-2, pages 12 and 13, page 17, section 2, and page 24, wherein an entity is at least a user, one or more users currently designated to perform a healthcare worker role, etc.).

9. As per claim 6, SMS's Integrated Clinical System discloses a method, wherein:

a. decision information identifies the predetermined event (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the decision information identifies a predetermined event); and

b. the predetermined event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure, (d) a user defined event based on information acquired (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the predetermined event is at least patient admission, end of a medical procedure, or a user defined event which causes the routing of the information and task).

10. As per claim 7, SMS's Integrated Clinical System discloses a method further including applying the received decision information in prioritizing a plurality of task representative identifiers associated with a particular entity in response to occurrence of a triggering event (See at least page 2, section 1, page 7, section 1, page 8, section 1, wherein the tasks are prioritized by triggers and flags, such as abnormal values).

11. As per claim 8, SMS's Integrated Clinical System teaches a method for assigning an identifier to at least one of a plurality of task schedules, comprising the activities of:

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- a. initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities and accessible by the particular entity (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1), the decision information including:
- i. a procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a procedure for processing the data is stored in the system), and
 - ii. an event for triggering application of the procedure in allocating the task representative identifier to the identified task schedule (See at least page 2, section 1, page 7, section 1, page 8 section 1, page 11, section 1, pages 12-13, page 24, and page 25, section 1, which discusses some of the event that trigger application of the allocating of a task to a schedule, such as check in, a predetermined trigger event, labs, etc.);
- b. receiving decision information entered via the at least one interface menu (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the system receives the decision information);

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- c. applying the received decision information (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the decision information is applied); and
- d. assigning, based on the application of the received decision information, said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity in response to occurrence of the triggering event (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the task and its identifier are assigned to the schedule of a particular entity).

12. As per claim 9, claim 9 recites equivalent limitations to claim 4 and is therefore rejected using the same art and rationale as applied in the rejection of claim 4.

13. As per claim 10, SMS's Integrated Clinical System discloses a method wherein the triggering event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure, (d) a user defined event based on information acquired (See at least page 2, section 1, page 7, section 1, page 8 section 1, page 11, section 1, pages 12-13, page 24, and page 25, section 1, which discusses some of the event that trigger application of the allocating of a task to a schedule, such as check in, a predetermined trigger event, labs, etc.).

14. As per claim 11, SMS's Integrated Clinical System discloses a method further including acquiring the data associated with a task (See at least page 2, section 1, page 7, section 1, page 8 section 1, page 11, section 1, page 24, and page 25, section 1, wherein data is acquired associated

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with the task, such as information received at check-in, lab results, appropriate data associated with the trigger event, etc.).

15. As per claim 12, SMS's Integrated Clinical System teaches a method wherein:

- a. the procedure conditions allocation of the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences (See at least page 2, section 1, page 7, section 1, page 8, section 1, page 9, section 1, page 11, section 1, page 24, wherein the event is conditioned based on the happening of a plurality of occurrences); and
- b. further including acquiring data to identify the coincidence of the plurality of occurrences (See at least page 2, section 1, page 7, section 1, page 8, section 1, page 9, section 1, page 11, section 1, page 24, wherein data is acquired).

16. As per claim 13, SMS's Integrated Clinical System discloses a method wherein:

- a. the triggering event is conditioned upon coincidence of a plurality of occurrences (See at least page 2, section 1, page 7, section 1, page 8, section 1, page 9, section 1, page 11, section 1, page 24, where the event occurs based on the a plurality of occurrences); and
- b. further including acquiring data to identify the coincidence of the plurality of circumstances (See at least page 2, section 1, page 7, section 1, page 8, section 1, page 9, section 1, page 11, section 1, page 24, wherein data is acquired).

17. As per claim 14, SMS's Integrated Clinical System discloses a method further including applying the received decision information in removing a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a triggering event (See at least page 7, section 1, pages 12-13, and page 24, where once the task is performed, shown by a trigger event, the task is removed from the schedule of whom performed the task).

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18. As per claim 15, SMS's Integrated Clinical System teaches providing a user interface for assigning an identifier to at least one of a plurality of displayable task schedules, comprising the activities of:

a. in response to a user command,

i. initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a user interface allows a user to enter decision information that assigns an identifier to a task schedule associated with an entity); and

ii. initiating display of an updated task schedule associated with the particular entry, the updated task schedule being generated in response to applying received decision information, in assigning said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity in response to occurrence of a predetermined event (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a user interface allows a user to enter information, causing an update in the task assignment as the system routes the task).

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19. As per claim 16, SMS's Integrated Clinical System discloses a method for providing a user interface supporting assigning an identifier to at least one of a plurality of task schedules, comprising the activities of:

a. in response to a user a command,

i. initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities and accessible by the particular entity, the decision information including (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a user interface allows a user to enter decision information that assigns an identifier to a task schedule associated with an entity), the decision information including,

ii. a procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a procedure for processing the data is stored in the system), and

iii. an event for triggering application of the procedure in allocating the task representative identifier to the identified task schedule (See at least page 2, section 1, page 7, section 1, page 8 section 1, page 11, section 1, pages 12-13, page 24, and page 25, section 1,

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which discusses some of the event that trigger application of the allocating of a task to a schedule, such as check in, a predetermined trigger event, labs, etc.); and

b. initiating display of an updated task schedule associated with the particular entity, the updated task schedule being generated in response to applying received decision information, in assigning said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity in response to occurrence of the triggering event (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the task and its identifier are assigned to the schedule of a particular entity).

20. As per claim 17, SMS's Integrated Clinical System teaches a method for assigning an identifier to at least one of a plurality of task schedules, comprising the activities of:

a. initiating display of at least one interface menu supporting user entry of decision information for selectively assigning a task representative identifier to at least one of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said at least one of a plurality of displayable task schedules being associated with a respective one of said corresponding plurality of different entities (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a user interface allows a user to enter decision information that assigns an identifier to a task schedule associated with an entity), the decision information comprising:

i. a procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See at least page 2, section 1, page 3,

sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein a procedure for processing the data is stored in the system), and

- ii. an event for triggering application of the procedure in allocating the task representative identifier to the identified task schedule (See at least page 2, section 1, page 7, section 1, page 8 section 1, page 11, section 1, pages 12-13, page 24, and page 25, section 1, which discusses some of the event that trigger application of the allocating of a task to a schedule, such as check in, a predetermined trigger event, labs, etc.);
- b. receiving decision information entered via the at least one interface menu (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the system receives the decision information);
- c. applying the received decision information (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the decision information is applied); and
- d. selectively assigning, based on the application of the received decision information, said task representative identifier representing a task to be performed by said respective one of said corresponding plurality of different entities, to said at least one of the plurality of task schedules associated with said corresponding plurality of different entities in response to occurrence of the triggering event (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the task and its identifier are assigned to the schedule of a particular entity).

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21. As per claim 18, SMS's Integrated Clinical System discloses a system for assigning an identifier to at least one of a plurality of displayable task schedules, comprising:

- a. a display processor for initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1);
- b. an interface processor for receiving decision information entered via the at least one interface menu (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1);
- c. a decision processor applying the received decision information (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1); and
- d. means for assigning said task representative identifier representing a task schedule to be performed by said particular entity, to said task schedule associated with said particular entity in response to a predetermined event (See at least page 2, section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1, wherein the task is assigned to the schedule of an entity).

22. As per claim 19, SMS's Integrated Clinical System discloses a computer program embodied within a computer readable medium using the method of claim 1 (See at least page 2,

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section 1, page 3, sections 2 and 3, page 7, section 1, page 11, section 1, page 8 section 1, pages 12-13, page 17, section 2, page 24, and page 25, section 1).

Response to Arguments

23. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection, necessitated by amendment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

“American Healthcare Group Selects SMS” (PR Newswire) discusses a network computing solution in the healthcare industry.

“SMS and scheduling.com Form strategic alliance” (Business Wire) discloses a web based scheduling system for the healthcare industry.

Enterprise Wide Patient and Resource Management System (www.scheduling.com) discloses a network-based system for scheduling doctors, tasks, and patients.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 7, 2004



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